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EXTRAORDINARY

PART II—Section 3—Sub-section (H)

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MINISTRY OF WORKS, HOUSING AND SUPPLY

NOTIFICATION

New Delhi, the 3rd March 1959

S.O. 535.—In pursuance of the provisions of Rule 45 of the Fundamental Rules, the President is pleased to make the following further amendments to the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR, dated the 4th February, 1922, namely:—

In part VIII of the said rules, after Division XXVI-G, the following shall be inserted, namely:—

"DIVISION XXVI-H—The Nasik Press Quarters (Allotment) Rules, 1959."

1 **Short title, application and commencement.**—(1) These rules may be called the Nasik Press Quarters (Allotment) Rules, 1959;

(2) They apply to residences intended for the use of the staff of the Government of India Press, Nasik;

(3) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context requires otherwise,—

(a) "Assistant Manager (Estate)" means "Assistant Manager (Estate), Government of India Press, Nasik";

(b) "emoluments" means—

(I) in relation to a salaried officer—

(i) if he is serving in a qualifying appointment on the date on which his emoluments are to be determined and is on duty on that date, the pay admissible to him in respect of the qualifying appointment on which he holds a lien or if he holds no lien on a qualifying appointment, the pay actually drawn by him;

(ii) if he is serving in a qualifying appointment on such date and is on leave on that date, pay as aforesaid at the rate applicable to him immediately before he proceeded on leave;

(iii) if he is not serving in a qualifying appointment on such date, pay as aforesaid at the rate applicable to him immediately on his joining a qualifying appointment;

Explanation.—Special pay shall not be included in the emoluments unless the special pay is certified by the Manager to be permanently attached to the post.

(iv) if he is a re-employed officer, pay including pension, if any, actually drawn by him on the 1st April, provided the Manager certifies that officer will continue to draw that pay or a higher pay throughout the year;

(II) In relation to a piece worker, the average monthly earnings (including over-time and other allowances) during the preceding year;

(c) "qualifying appointment" means an appointment the incumbent of which is required to reside on duty with any of the offices of the Printing & Stationery Department either in Nasik or elsewhere;

(d) "seniority" of an officer, in relation to his type of residence, means the earliest date from which he has been continuously holding a qualifying appointment;

Provided that if two or more officers have the same seniority date, seniority among them shall be determined by the emoluments or where the emoluments are also equal, by the period from which the emoluments were drawn in the past at the time of application.

(e) "sub-letting" includes sharing of accommodation with an allottee with or without payment of rent, but does not include a casual guest, that is, a guest who lives with the allottee of a residence for a period not exceeding three months.

3. Classification of residences.—(1) For purposes of allotment, residences are classified into the following classes according to the employments drawn on the last date for application specified in rule 5, namely:—

| Type of accommodation | Pay range |
|-----------------------------|--|
| 'D' type bungalow | For officers drawing emoluments over Rs. 600/- p. m. |
| 'E' type quarters | For officers drawing emoluments between Rs. 261/- and Rs. 600/- p. m. inclusive. |
| 'F' type quarters | For officers drawing emoluments between Rs. 126/- and Rs. 250/- p. m. inclusive. |
| 'G' type quarters | For officers drawing emoluments between Rs. 50/- and Rs. 125/- p. m. inclusive |
| 'H' type quarters | For Class IV employees. |

(2) The classification of residences may, from time to time be changed by order of the Works Manager, Government of India Press, Nasik, issued with the prior concurrence of the Government;

Provided that an officer to whom a residence has already been allotted at the time when its classification is changed, shall not be rendered ineligible therefor solely by reason of such change, unless he has been offered and has refused to occupy a residence in his own class.

4. The allotment of residences under these rules shall be made by the Assistant Manager (Estate), Government of India Press, Nasik.

5. Application for allotment.—(1) An application for allotment of residence shall be made in such form as the Assistant Manager (Estate) may, from time to time, specify so as to reach his office not later than the 15th January of the year preceding the year to which the application relates. No officer shall be deemed to have applied for allotment of a residence if his application reaches the office after the prescribed date.

Applications received after the prescribed date will be considered after meeting the demand of all the applicants who submitted their applications on or before the due date.

(2) The application shall be signed by the applicant, or by another officer on behalf of the applicant:

Provided that—

(a) when an application is signed on behalf of the applicant by another officer, the signatory shall be authorised, in writing by the applicant; and

- (b) the said authorisation shall ordinarily accompany the application and, where this is not practicable, it shall reach the Assistant Manager (Estate) before the expiry of one month from the date mentioned above, failing which the allotment if already made, shall be cancelled.

(3) The applications shall be countersigned by the Works Manager, who shall not countersign or forward applications unless he is satisfied—

- (a) that the applicant is likely to be on duty in Nasik for the greater part of the financial year concerned, or if the applicant is likely to be on leave during the financial year concerned for the greater part of the next financial year after his return from leave; and
- (b) that the facts stated in the application are substantially correct.

6. Period of allotment.—Residences shall be allotted for each financial year, i.e., from the 1st April to the 31st March:

Provided that any residence which falls vacant after the commencement of the allotment year will be allotted for the rest of the year or for a shorter period.

NOTE.—The Assistant Manager (Estate) may extend the period of allotment in special cases.

7. Allotment.—Residences shall be allotted with effect from the 1st April on the basis of the applications received by the 15th January each year under rule 5 in the following order and in accordance with the following principles:—

- (1) to the officer to whom the residence was allotted for the year previous to which the application relates if he was eligible for the residence under rules 3 and 5 on the last date for application and to the officer who on the said date was ineligible for the residence under rule 3 by reason of an increase or a decrease in his emoluments;
- (2) to officers in order of seniority who hold liens acquired by them under rule 7(1) and who desire on due date the transfer of the liens (such transfer to be allowed during first six months, i.e., from the 1st April to the 30th September each year);
- (3) to officers in order of seniority who were eligible for the residence under rule 3 on the last date for the application provided in rule 5;
- (4) residences which are surplus after meeting the demands of eligible officers shall be allotted by seniority in the following order:—
 - (a) to officers eligible for residence of a higher class;
 - (b) to officers eligible for residence of a lower class:

Provided that for the purpose of this rule officers in permanent employment and officers in temporary employment who are likely to remain in employment for the full financial year concerned or more shall be given preference over other officers.

8. Choices and acceptance.—(1) When allotting residences, the Assistant Manager (Estate) shall as far as may be, have regard to any preference expressed by the applicants.

(2) If an applicant accepts an offer of a residence by the Assistant Manager (Estate) by a written acceptance the residence shall be deemed to have been allotted to the applicant for the period of allotment.

(3) No acceptance is necessary in the case of an applicant who is a lienholder. In such cases, the residence shall be allotted without a reference to the applicant.

(4) If an officer fails to accept the allotment/offer of an allotment, of a residence made to him under these rules within 5 days after the date of allotment/offer or fails to move into that residence after acceptance within 8 days after the date of allotment or fails to accept the alternative accommodation offered to him in consequence of any decision of the Government—

- (a) he shall not be eligible for another allotment under these rules for a period of 6 months from the same date;

- (b) the residence in question shall be re-allotted in accordance with the provisions of the foregoing sub-rules;
- (c) any previous allotment of a residence under these rules is out of class for the officer or the classification of which has changed or which has been removed from the schedule or which may be required by Government for some other purpose, shall be deemed to be cancelled with effect from the said date, and he shall vacate the residence forthwith; and
- (d) in addition to any disciplinary or other action that may be taken against him he shall be charged, in respect of any period for which he continues to occupy that residence after the said date, the full standard rent under F.R. 45-B or twice the full standard rent under F.R. 45-A or twice the pooled standard rent under F.R. 45-A, if the rent has been pooled, or 15 per cent of his emoluments, whichever is the highest.

9. Waiting List.—(1) The Assistant Manager (Estate) shall prepare a waiting list of officers who—

- (a) have secured allotment but not according to the preference expressed by them in their applications;
- (b) have applied within the last date of application provided in rule 5 and to whom no residence has been allotted;
- (c) apply for residences after the last date of application provided in rule 5.

(2) The Assistant Manager (Estate) shall allot any residence which has not been allotted under rule 7 or the allotment of which has been cancelled under rule 14 to officers on the waiting list, so far as may be, in the manner provided in rule 7, and thereupon the provisions of rule 8 shall apply:

Provided that, in allotting residences, priority shall be given to all the officers mentioned in clause (a) of sub-rule (1) over any officers mentioned in clause (b) of that sub-rule and to all officers mentioned in clause (b) of that sub-rule over any officer mentioned in clause (c) of that sub-rule:

Provided further that any officer mentioned in clause (a) of sub-rule (1) shall be considered only for the allotment of residences for which he has expressed a preference and that no allotment shall be made under this sub-rule to any such officer after the 30th September.

10. Unallotted Residences.—(1) If any residence remains unallotted after the commencement of the allotment year, the Assistant Manager (Estate) may permit the residence to be occupied on payment of rent by any officer of Government or, if it is not required by such officer, by any person whom he considers suitable provided he gives an undertaking in writing that he will pay the prescribed rent and vacate the accommodation, within one month from the date of receipt of a notice that it is required for the use of a Government servant belonging to the Government of India Press, Nasik.

(2) An allotment under sub-rule (1) shall not confer any claim to allotment subsequent to the period concerned even if the allotment commenced on or before the 1st January.

11. Responsibility for rent and damages.—(1) The officer to whom a residence has been allotted shall be deemed to be in occupation thereof and shall be personally responsible for its rent for the period of allotment whether he occupies it or not, unless the allotment is cancelled by the Assistant Manager (Estate). The rent shall be recovered in accordance with clause IV of rule 45-A of the Fundamental Rules. Rent shall be recovered monthly in arrears by the Works Manager from the pay bills of the officers concerned.

(2) No officer shall be deemed to be in occupation of a residence solely by reason of the fact that he shares it with the officer or person to whom it has been allotted.

(3) The officer to whom a residence has been allotted shall be personally responsible for any damage beyond fair wear and tear, caused thereto or to the premises or service provided therein by Government during the period for which the residence has been and remains allotted to him.

(4) (a) If a residence allotted is not available for occupation with effect from the commencement of the allotment year, rent will be charged from the 8th day after the date on which it becomes available to the allottee or from the date of occupation, whichever is earlier.

(b) In cases where an allotment has been made after the commencement of the allotment year, the rent will be charged with effect from the 8th day after issue of the allotment letter or from the date of occupation, whichever is earlier.

(5) When a group of residence is supplied with water through common meter, the tenants shall be required to pay to the Central P.W.D., Nasik, the water charges which shall be divided equally amongst the number of quarters of the group which are occupied; the plugging of taps to avoid payment of proper share of the charges shall not be permitted.

(6) Where the officer to whom a residence has been allotted is a temporary Government servant, he shall execute a security bond in the form prescribed in this behalf with a surety who shall be a permanent Government servant, for due payment of all rent and other charges payable by him in respect of such residence. No such security bond will be required in case of quasi-permanent employees.

If the surety to the security bond dies, retires from service, becomes insolvent or ceases to be available for any reason, the officer shall furnish another surety to the bond within ten days from the date of his knowledge of the death, retirement, insolvency or non-availability of the former surety; and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the Assistant Manager (Estate), be deemed to have been cancelled.

12. Subletting and Sharing.—(1) The Officer to whom a residence has been allotted may sublet it if the Assistant Manager (Estate) approves, during the period for which it has been allotted, to any officer eligible therefor, or if no such officer requires it, to any person, provided the sublease is not except in special cases for a period exceeding the period of absence of the lesser from Nasik.

(2) The sublease shall not be recognised by the Government and the lessor shall remain personally responsible for any rent payable in respect of the residence and for any damage caused to the premises for services provided by the Government beyond fair wear and tear.

(3) The rent payable by the lessee in respect of the residence and services provided by the Government shall not exceed with the previous sanction of the Government, exceed the rent payable in such respect to the Government by the lessor.

(4) Permission may also be granted to an officer for sharing the residence allotted to him with—

- (i) a Government servant;
- (ii) the staff of semi-Government institutions in Nasik;
- (iii) the staff of local bodies in Nasik; and
- (iv) a close relative.

Explanation.—For the purposes of this sub-rule whether a person is a close relative or not shall be decided by the Assistant Manager (Estate).

(5) If an officer sublets a residence allotted to him or any portion thereof, or any of the outhouses, appurtenant thereto without the permission of the Assistant Manager (Estate), he shall, without prejudice to any other action that may be taken against him, be charged the full standard rent of the residence under F.R. 45-B for the period of such subletting.

13. Mutual Exchange.—(1) Officers to whom residences have been allotted may, if the Assistant Manager (Estate) approves, mutually exchange residences.

(2) If the exchange is of different classes of accommodation—

- (i) the exchange shall not be recognised by the Government; and
- (ii) each officer shall pay the rent of the residence which has been allotted to him,

(3) Where the exchange is in respect of residences of same type, the liens of the allottees will be transferred to the exchanged residences.

14 Surrender.—(1) The officer to whom a residence has been allotted shall, if he is under orders of transfer from the Government of India Press, Nasik, or having been granted leave on medical certificate proposes to leave Nasik, forthwith intimate the fact to the Assistant Manager (Estate).

(2) If the officer to whom a residence has been allotted is under orders of transfer from the Government of India Press, Nasik, or granted leave on medical certificate, the allotment to him of the residence shall on his request be cancelled with effect from the sixteenth day after the date on which his intimation of his transfer or intended departure reaches the office of the Assistant Manager (Estate) or from the date on which the residence is allotted to another person, whichever is earlier:

Provided that when an officer is transferred from the Government of India Press, Nasik, before the commencement of the year for which the residence is allotted to him, his consent shall not be necessary prior to the cancellation of the allotment.

(3) If the officer to whom a residence is allotted dies, the allotment shall be cancelled from the date on which after such death, the residence is actually vacated or a period of two months expires, whichever is earlier. If an officer to whom a residence is allotted is removed or dismissed from service, or resigns his post in the Government of India Press, Nasik, the allotment to him of the residence shall be cancelled with effect from a date which is one month after the date of his removal or dismissal or resignation, as the case may be or with effect from the date on which the residence is actually vacated, whichever is earlier. An officer shall also be entitled to retain his allotment during the leave preparatory to retirement or during the refused leave granted under FR 86 for the period of leave on full average pay included in such leave, subject to a maximum period of four months inclusive of the period of one month permissible under this rule.

15 Notice of vacation.—The Officer to whom a residence has been allotted must, before vacating the residence, give not less than 10 days' notice in writing to the officers concerned. This notice is in addition to the notice of surrender provided for in these rules.

16. Inventory.—The officer to whom a residence has been allotted shall be required when he enters into occupation of, and when he vacates, the residence to sign an inventory of the furniture (if provided in the residence) and fittings

17. Sanitation.—The officer to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Assistant Manager (Estate) or of such officer who is responsible for the final disposal of the rubbish and night soil and the Health Officer, Nasik, if any.

18 (1) The officer to whom a residence has been allotted shall not permit trees or shrubs on the premises to be cut down or lopped, save with the consent of the officer responsible for Horticultural Operations, in Nasik.

(2) The officer to whom a residence has been allotted shall comply with any orders of the Government for the time being in force in respect of the garden attached thereto.

19. Non-Observance of Rules.—If the officer to whom a residence has been allotted furnishes false information, commits any breach of the rules or of the terms and conditions of the allotment in this Division, sublets the residence without permission, misconducts himself or causes annoyance to other tenants, or uses or permits the residence or premises to be used for any purpose which the Assistant Manager (Estate) considers to be improper, the Assistant Manager (Estate) may, without prejudice to any other disciplinary action that he may take against him,—

(a) Cancel the allotment of that residence to him, and

(b) declare him to be ineligible for a residence in Nasik during any specified period:

Provided that where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relations with the neighbours, the officer may be allotted another residence in the same class at any other place.

20. The Assistant Manager (Estate) may for exceptional reasons, to be recorded in writing, relax, with the concurrence of the Chief Controller of Printing and Stationery any of the provisions in the foregoing rules in the case of any officer or residence or class of officers or residences.

[No. 25(22)/53-S&PI.]

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